

BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP
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November 27, 2013

Via ECF and Facsimile

The Honorable Magistrate Judge Cott
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007-1312

Re: ***In re Bank of New York Mellon Corp. Forex Transactions Litigation,***
Civil Action No. 12-MD-2335

Dear Magistrate Judge Cott:

We represent the State of Oregon by and through the Oregon Treasurer on behalf of the Common School Fund, together with the Oregon Public Employee Retirement Board on behalf of the Oregon Public Employee Retirement Fund, the Court-appointed Lead Plaintiff in the Securities Action consolidated with the above-captioned MDL.

We write to respectfully request that the status conference currently scheduled for December 5, 2013 at 11:00am (Dkt. No. 336) be rescheduled for December 12, 2013 at 2:30pm due to an unavoidable scheduling conflict. Specifically, I will be on the West Coast for the annual meeting of my Firm's entire partnership from November 2-6, 2013. Given that BNYM's Motion to Compel was brought against my Firm's clients, it is essential that I attend and argue for Plaintiffs at the upcoming hearing.

After speaking to Your Honor's clerk regarding the Court's availability, we conferred with the other members of the MDL Executive Committee, counsel for The Bank of New York Mellon ("BNYM") and counsel for Defendant Nichols. The other members of the MDL Executive Committee have confirmed that they are available on December 12, 2013 at 2:30pm. While counsel for BNYM and Defendant Nichols have confirmed that they also are available on December 12, 2013 at 2:30pm, they have requested that we state their position on rescheduling as follows:

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Several third-party recipients of BNYM's subpoenas have indicated they are withholding production of responsive documents until the pending motion for a protective order is addressed. Accordingly, BNYM believes it is important to have these issues resolved as soon as possible. BNYM understands that the Plaintiffs' Executive Committee seeks a postponement of the hearing to allow Mr. Singer to attend a partners' meeting on the West Coast next week. While BNYM has no desire to inconvenience Plaintiffs' counsel, there are many other attorneys who serve on the Plaintiffs' Executive Committee if Mr. Singer's presence at the partners' meeting is essential. BNYM thus respectfully requests that the Court hear argument on December 5. Should the Court reschedule the hearing, BNYM is available on December 12.

Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink that reads "Steven B. Singer / LHG". The signature is written in a cursive, flowing style.

Steven B. Singer

cc: All Counsel of record